IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Art Unit: 2456
Ku-Bong MIN et al.	
Serial No: 10/564,848	Examiner: Keehn, Richard G.
Filed: January 13, 2006	
For: UPNP-BASED MEDIA CONTENTS	Conf. No.: 2342
REPRODUCING SYSTEM AND	
METHOD THEREOF	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Final Office Action dated August 31, 2011 in connection with the above-identified application. This response is due on November 30, 2011. Applicants request review of the final rejection in the above-identified application.

Review of the application is requested for the reasons set forth below. No amendments are being filed with this request.

A Notice of Appeal is concurrently submitted herewith.

Claims 47, 48, 51-53 and 56 are all the claims pending in the application. Claims 47 and 52 are independent claims. Claims 47, 48, 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0243700 A1 to Weast (hereinafter "Weast") in view of U.S. Patent Application Publication No. 2003/0046338 A1 to Runkis (hereinafter "Runkis") and Applicant -supplied non-patent literature entitled "AVTransport:1 Service Template Version 1.01," "UPnP AV Architecture:0.83" and "RenderingControl:1 Service Template Version 1.01" all published in 2002 (hereinafter collectively referred to as "UPnP"). Applicants submit that there are a number of clear errors in the Examiner's rejections, which will be discussed in more detail below.

1. **The combination of Weast, Runkis and UPnP does not teach storing the rendering state information at a time when playback of the media content is paused.**

As submitted in the paper filed on August 5, 2011, Applicants amended independent claim 47 to recite "requesting the server to store in the server…the rendering state information including the video and/or audio characteristic value of the playing device transmitted from the playing device to the at least one control device." Applicants note that the video and/or audio characteristic value of the playing device is a value of the playing device at a time when playback of the media content at the playing device is paused (*see* claim 47: "the rendering state information including a video and/or audio characteristic value of the playing device at the time of pausing the media content"). Independent claim 52 was similarly amended.

Applicants note that in the Final Office Action dated August 31, 2011, the Examiner cited paragraphs [0047], [0052], [0060] and [0086] and FIG. 1 of Weast for disclosing the claimed features related to "requesting the server to store in the server, the transport state information transmitted from the playing device to the at least one control device, and the rendering information including the video and/or audio characteristic value of the playing device transmitted from the playing device to the at least one control device" (*see* p. 5 of the Final Office Action). Applicants respectfully disagree with the Examiner's assertion.

A review of paragraph [0047] of Weast reveals that Weast discloses a control point device requesting identifications of media contents available from a responding UPnP media server, and corresponding meta data describing the available media contents. Moreover, paragraphs [0052] and [0060] of Weast disclose that the control point device may instruct UPnP servers to provide media contents to appropriate UPnP media renderers, or instruct a UPnP renderer to pull applicable media

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content from an applicable UPnP media server. Furthermore, paragraph [0086] of Weast teaches that a user is facilitated to control media rendering, such as pausing, stopping, restarting, increasing volume and decreasing volume through a pop up control panel like interface.

However, Applicants respectfully submit that none of the cited paragraphs [0047], [0052], [0060] and [0086] of Weast discloses storing rendering state information in a server, wherein the rendering state information includes a video and/or audio characteristic value of a playing device transmitted from the playing device to at least one control device, and wherein the video and/or audio characteristic value of the playing device is a value of the playing device at a time when playback of the media content at the playing device is paused, as required by claims 47 and 52.

Applicants further submit that Runkis fails to cure the above-identified deficiencies of Weast. At best, paragraph [0078] of Runkis states: "a transient user can start watching a feature movie in one service zone, e.g. on a flight from New York to Chicago, pause the movie when the plane arrives at the airport in Chicago, change planes, and continue watching the movie, *from the point that at which it was interrupted*, on a different plane or even a different airline during the continuing flight, e.g. to San Francisco" (emphasis added).

However, as recited in the independent claims, the stored rendering state information includes a video and/or audio characteristic value of the playing device, wherein the video and/or audio characteristic value of the playing device is stored in the server when playback of the media content is paused at the playing device. Thus, although Runkis may disclose a state where the user stops watching content previously and data content control of where to start the audio and video playback, Applicants submit that Runkis's disclosure does not teach or suggest storing rendering state information including a video and/or audio characteristic value of the playing device in the server when playback of the media content is paused at the playing device, as required by the independent claims.

Applicants further submit that UPnP also fails to cure the above-identified deficiencies of Weast and Runkis. On pages 10-11 of the Final Office Action, the Examiner recognizes that UPnP discloses that "rendering state information is associated with a rendering control service, the rendering control service for controlling a dynamically configurable video and/or audio characteristic of the playing device." Nonetheless, while UPnP may teach controlling a video and/or audio characteristic of a playing device, Applicants respectfully submit that UPnP does not disclose storing rendering state information including a video and/or audio characteristic value of the playing device in the server when playback of the media content is paused at the playing device, as required by the independent claims.

2.   **The combination of Weast, Runkis and UPnP does not teach setting the playing device with the stored rendering state information when playback of paused media content is resumed by the playing device.**

Applicants note that in the Final Office Action, the Examiner cited paragraphs [0047], [0052], [0060] and [0086] and FIG. 1 of Weast for disclosing the claimed features related to "transmitting a second command including the stored rendering information received from the server to the playing device to set the playing device with the stored rendering information included in the second command" (*see* p. 6 of the Final Office Action). Applicants disagree with the Examiner's assertion.

Brief descriptions of paragraphs [0047], [0052], [0060] and [0086] of Weast were noted above. Applicants respectfully submit that none of the cited paragraphs [0047], [0052], [0060] and [0086] of Weast discloses transmitting a command to the playing device to set the playing device with the stored rendering state information when playback of paused media content is resumed by the playing device, the command including the stored rendering state information received from the server, wherein the rendering state information includes a video and/or audio characteristic value of the playing device transmitted from the playing device to at least one control device, and wherein the video and/or audio characteristic value of the playing device is a value of the playing device at a time when playback of the media content at the playing device is paused, as required by claims 47 and 52.

Applicants further submit that Runkis fails to cure the above-identified deficiencies of Weast. At best, paragraph [0078] of Runkis states: "a transient user can start watching a feature movie in one service zone, e.g. on a flight from New York to Chicago, pause the movie when the plane arrives at the airport in Chicago, change planes, and continue watching the movie, *from the point that at which it was interrupted*, on a different plane or even a different airline during the continuing flight, e.g. to San Francisco" (emphasis added).

However, as recited in the independent claims, the stored rendering state information includes a video and/or audio characteristic value of the playing device, wherein the video and/or audio characteristic value of the playing device is stored in the server when playback of the media content is paused at the playing device. Thus, although Runkis may disclose a state where the user stops watching content previously and data content control of where to start the audio and video playback, Applicants submit that Runkis's disclosure does not teach or suggest transmitting a command to the playing device to set the playing device with the stored rendering state information when playback of paused media content is resumed by the playing device, the command including the stored rendering state information received from the server, wherein the rendering state information includes a video

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and/or audio characteristic value of the playing device transmitted from the playing device to at least one control device, and wherein the video and/or audio characteristic value of the playing device is a value of the playing device <u>at a time when playback of the media content at the playing device is paused</u>, as required by the independent claims.

Applicants further submit that UPnP also fails to cure the above-identified deficiencies of Weast and Runkis. While UPnP may teach controlling a video and/or audio characteristic of a playing device, Applicants respectfully submit that UPnP does not disclose transmitting a command to the playing device to set the playing device with the stored rendering state information <u>when playback of paused media content is resumed by the playing device</u>, the command including the stored rendering state information received from the server, wherein the rendering state information includes a video and/or audio characteristic value of the playing device transmitted from the playing device to at least one control device, and wherein the video and/or audio characteristic value of the playing device is a value of the playing device <u>at a time when playback of the media content at the playing device is paused</u>, as required by the independent claims.

3. The combination of Weast, Runkis and UPnP does not teach rendering media content using the set rendering state information.

Applicants note that in the Final Office Action, the Examiner cited paragraphs [0047], [0052], [0060] and [0086] and FIG. 1 of Weast for disclosing the claimed features related to "wherein the media content…is rendered in the playing device according to the rendering information such that the playing device renders the transported media content using the stored video and/or audio characteristic value of the playing device included in the rendering state information" (*see* pp. 12-13 of the Final Office Action). Applicants respectfully disagree with the Examiner's assertion.

Brief descriptions of paragraphs [0047], [0052], [0060] and [0086] of Weast were noted above. Applicants respectfully submit that none of the cited paragraphs [0047], [0052], [0060] and [0086] of Weast discloses rendering the media content according to the set rendering state information using the video and/or audio characteristic value of the playing device included in the rendering state information, wherein the video and/or audio characteristic value of the playing device is a value of the playing device <u>at a time when playback of the media content at the playing device is paused</u>, as required by claims 47 and 52.

Applicants further submit that Runkis fails to cure the above-identified deficiencies of Weast. At best, paragraph [0078] of Runkis states: "a transient user can start watching a feature

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movie in one service zone, e.g. on a flight from New York to Chicago, pause the movie when the plane arrives at the airport in Chicago, change planes, and continue watching the movie, *from the point that at which it was interrupted*, on a different plane or even a different airline during the continuing flight, e.g. to San Francisco" (emphasis added).

However, as recited in the independent claims, the set rendering state information includes a video and/or audio characteristic value of the playing device, wherein the video and/or audio characteristic value of the playing device is a value stored in the server when playback of the media content is paused at the playing device. Thus, although Runkis may disclose a state where the user stops watching content previously and data content control of where to start the audio and video playback, Applicants submit that Runkis's disclosure does not teach or suggest rendering the media content according to the set rendering state information using the video and/or audio characteristic value of the playing device included in the rendering state information, wherein the video and/or audio characteristic value of the playing device is a value of the playing device <u>at a time when playback of the media content at the playing device is paused</u>, as required by the independent claims.

Applicants further submit that UPnP also fails to cure the above-identified deficiencies of Weast and Runkis. While UPnP may teach controlling a video and/or audio characteristic of a playing device, Applicants respectfully submit that UPnP does not disclose rendering the media content according to the set rendering state information using the video and/or audio characteristic value of the playing device included in the rendering state information, wherein the video and/or audio characteristic value of the playing device is a value of the playing device <u>at a time when playback of the media content at the playing device is paused</u>, as required by the independent claims.

4.   Conclusion with regard to Weast, Runkis and UPnP.

In view of the foregoing, the combination of Weast, Runkis and UPnP fail to teach or suggest features recited in independent claims 47 and 52, and therefore these claims are believed to be patentable. In addition, dependent claims 48, 51, 53 and 56 are believed to be patentable at least by virtue of their respective dependencies on the patentable independent claims.

In light of the above remarks, Applicants submits that the present application is in condition for allowance and requests a Notice of Allowance. The undersigned attorney is available at (213) 623-2221 to discuss any matter concerning this application.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Waimey

By: /Lew Edward V. Macapagal/

Lew Edward V. Macapagal, Esq.

Date: September 23, 2011

Registration No. 55,416

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Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
2080-3483

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
	10/564,848	January 13, 2006
on _____	First Named Inventor	
Signature_____	Ku-Bong MIN	
	Art Unit	Examiner
Typed or printed name _____	2456	Keehn, Richard G.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. 55,416
Registration number _____ .

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Lew Edward V. Macapagal/
_____
Signature

Lew Edward V. Macapagal
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Typed or printed name

213.623.2221
_____
Telephone number

September 23, 2011
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of __1__ forms are submitted.

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